

1 DANIEL T. HAYWARD
Nevada State Bar No. 5986
2 JAMES MURPHY
Nevada State Bar No. 8586
3 LAXALT & NOMURA, LTD.
4 6720 Via Austi Pkwy., Suite 430
Las Vegas, Nevada 89119
5 Tel. (702) 388-1551
Fax. (702) 388-1559
6 dhayward@laxalt-nomura.com
7 jmurphy@laxalt-nomura.com
Attorneys for Defendants
8 *Edward Etkin, and*
9 *Law Offices of Edward Etkin, Esq. PC*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 SHANA LEE MCCART-POLLAK,) Case No. 2:17-cv-00042-RFB-CWH
13)
14 Plaintiff,)
15 vs.)
16)
17 EDWARD ETKIN, an individual; LAW)
18 OFFICES OF EDWARD ETKIN, ESQ. PC)
19 a New York business entity; DOES I)
Through X; ROE BUSINESS ENTITIES)
I through X, inclusive,)
20 Defendants.)

21 **STIPULATED AMENDED SCHEDULING ORDER**
22 **SUBMITTED IN COMPLIANCE WITH AMENDED**
23 **MINUTE ORDER DATED 12/8/2017 (ECF NO. 64)**

24 Plaintiff Shana Lee McCart-Pollak, in pro per, and Defendants Edward Etkin and the
25 Law Offices of Edward Etkin, Esq. PC, by and through their undersigned counsel, hereby
26 submit the following proposed Amended Scheduling Order pursuant to Fed.R.Civ.P. 26(f)(3)
27 and LR II 26-1, and as directed by the Court's Amended Minute Order dated December 8,
28 2017 (ECF No. 64).

//

Proposed Amended Scheduling Order

1. Discovery cut-off date [LR II 26-1(b)(1)]:

Proceedings in this matter are stayed by the Court's Minute Order dated December 8, 2017 (ECF No. 64). Discovery is closed, with the following exceptions:

a. Plaintiff shall produce the text messages, voicemails, and emails identified by her pursuant to FRCP 26 and which are responsive to Defendants' requests for production on or before February 1, 2018. This may be done in cooperation with Holo, an IT vendor retained and paid for by Defendants. Plaintiff may produce the emails without the use of Holo's services if she is able.

b. Plaintiff shall produce the complete contents of the United States Patent and Trademark Office patent application file wrappers / file histories for the '099 and '458 applications on or before February 1, 2018.

c. Defendant Edward Etkin shall supplement his response to Interrogatory No. 4 (dates of hospital admissions). He has already done so.

d. Defendants shall produce legible copies of those certain Verizon telephone records which Plaintiff asserted were illegible during the December 8, 2017 motion hearing. Defendants shall also identify their telephone service providers from January 1, 2012 through October 5, 2012. He has already done so.

e. Plaintiff may serve a subpoena duces tecum on Defendants' telephone providers identified in response to paragraph 1(d).

f. Plaintiff shall serve Defendants with any and all orders issued by the USPTO concerning the USPTO proceedings related to this matter as set forth in paragraph 3, below.

2. Amending pleadings and adding parties [LR II 26-1(b)(2)]:

Closed.

3. Notice of further USPTO decisions / status report:

Plaintiff shall promptly inform Defendants of the status of future USPTO decisions concerning the USPTO proceedings related to this matter by serving Defendants with copies of the USPTO's orders, office actions, or other decisions.

1 Within 30 days of the USPTO's decision regarding whether the revive the '458 patent
2 application, and the final decision regarding the pending '099 patent application, whichever
3 occurs later, the parties shall file a status report advising the Court of the USPTO's decision and
4 setting forth the parties' view or views of the significance of the decision on any remaining
5 pretrial proceedings in this case, and shall request that the Court schedule a status conference to
6 address the possible lifting of the December 8, 2017 stay of proceedings.

7 **4. Fed.R.Civ.P. 26(a)(2) disclosures (experts) [LR II 26-1(b)(3)]:**

8 The expert disclosure and rebuttal expert disclosure deadlines have expired. However,
9 Defendant shall be permitted to produce a supplemental written expert report of Bruce E. Dahl,
10 Esq., if Defendants elect to do so, within 30 days of Plaintiff's production of the USPTO's
11 decision regarding whether the revive the '458 patent application, and the final decision
12 regarding the pending '099 patent application, whichever occurs later. Plaintiff shall then have
13 until an additional 15 days by which to serve a notice of Mr. Dahl's deposition if she elects to
14 do so, regardless of whether he elects to produce a supplemental expert report.

15 **5. Dispositive motions [LR II 26-1(b)(4)]:**

16 The dispositive motion deadline has expired. However, Defendant shall have until 30
17 days after the present stay of proceedings is lifted by which to file and serve a supplement to
18 their pending Motion for Summary Judgment (ECF No. 55). The standard timeline shall cover
19 the filing and service of any opposition to the supplement, and reply in support of the
20 supplement.

21 **6. Pretrial Order [LR II 26-1(b)(5)]:**

22 The Joint Pretrial Order shall be filed 30 days after the Court files its decision on
23 Defendants' Motion for Summary Judgment (ECF No. 55), together with any supplement
24 thereto. All motions in limine shall be submitted with the Pretrial Order.

25 **7. Fed.R.Civ.P. 26(a)(3) disclosures [LR II 26-1(b)(6)]:**

26 The disclosures required by Fed.R.Civ.P. 26(a)(3) and any objections thereto shall be
27 included in the Joint Pretrial Order.
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

Plaintiff further states that she reserves the right to file a motion seeking reconsideration of some or all of the rulings set forth in the Court's Amended Minute Order entered on December 8, 2017 (ECF No. 64). If Plaintiff's motion is granted, it may potentially change the dates, the methods in which the items may be produced, or void this filing and render it moot. Defendants state that they intend to oppose any such motion.

DATED this 22nd day of December, 2017.

/s/ Shana McCart-Pollak
SHANA McCART-POLLAK
524 Blanche Court
Henderson, Nevada 89052
Tel. (702) 439-2263
lotsoflovebuddies@yahoo.com
Plaintiff in Pro Per

/s/ Shana McCart-Pollak
SHANA McCART-POLLAK
524 Blanche Court
Henderson, Nevada 89052
Tel. (702) 439-2263
lotsoflovebuddies@yahoo.com
Plaintiff in Pro Per

IT IS SO ORDERED.

DATED December 27, 2017